


05/14/2010

1237813 - R8 SDMS



Re: Webster Estate - Rico Transaction with Outlook Resources 
Steven Way to: Sheldon Muller, Carol Pokorny
Cc: Amelia Piggott

05/14/2010 04:41 PM

Carol and Sheldon,

Attached is the notice for access that I am providing for you to deliver to whomever we may need to notify in the Webster Estate per the CD. At this point, I would like to be able to collect samples next week possibly or the first week in June. Also I would like to have ongoing access throughout this year without continuing to do a notice. If our activities are expected to change from those stated on the access form, then we can modify the notice to define it.

As for other owners I not sure if I have understood clearly who else might be involved. For now, I know that we need access to the following claims and general areas:

1. Homestake and Little Cora Consolidated Placer (Parcel F) along the east side of the Dolores River.
2. Martha Lode
3. Martha Lode - Parcel E

Sheldon, as for the Big Strike and Denver Lodes, I can walk around them with the above access and the USDA-FS access that I have. If we want to pursue those for later that's great too, but I do not need to wait for that right now. The same would be true for the Parcel C a Rico Properties piece. As for the reference to land above 7000 ft elevation, I am not sure what that might be.

There is a notice for access, which I modified to not include a request for signature. Carol the other that you sent is appropriate for those not subject to the CD term in Para 25. So, please let me know if you are able to send this out early the week of May 17.

Thanks,
Steve



Rico-NOTICE for ACCESS 5-18-10.doc

Emergency Response Program (8EPR-SA)
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Office: 303-312-6723

Sheldon Muller	Peter: Thank you for providing the deeds and ad...	05/11/2010 09:35:26 AM
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From: Sheldon Muller/R8/USEPA/US
To: PeteKeppler@aol.com
Cc: ramunson@earthlink.net, rich@ramunson.com
Date: 05/11/2010 09:35 AM
Subject: Re: Webster Estate - Rico Transaction with Outlook Resources

Peter:

Thank you for providing the deeds and additional information. With respect to the language in the deeds, I noted that a clause required by the CD was missing. That clause requires that access also be provided to

any person that has entered into an agreement with EPA regarding the conduct of response activities at the Site or such other property located adjacent to or near the Site. Please take the necessary steps to ensure that such access will be provided, if necessary. Perhaps the best way to do this will be to amend the deeds.

With respect to the Homestake & Little Cora Placer, please provide the deeds that conditionally convey that property.

Also, I would appreciate it if you would provide all corporate papers for the following companies and any other companies recently created by or on behalf of Mark Levin:

Silver Creek Land, LLC
Silver Creek Shallow Minerals, LLC
Silver Creek Deep Minerals, LLC
Rico Geothermal, LLC
HLC East Holdings, Inc.

If you have any questions, please let me know.

Thank you.

Sheldon Muller
Enforcement Attorney
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: (303) 312-6916
FAX: (303) 312-6953
muller.sheldon@epa.gov

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PeteKeppler	Hello Sheldon - As Rich mentioned, the Webster...	05/10/2010 04:43:39 PM
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From: PeteKeppler@aol.com
To: Sheldon Muller/R8/USEPA/US@EPA, ramunson@earthlink.net
Cc: rich@ramunson.com, engmines@hotmail.com
Date: 05/10/2010 04:43 PM
Subject: Re: Webster Estate - Rico Transaction with Outlook Resources

Hello Sheldon - As Rich mentioned, the Webster Estate properties, with the exception of the Homestake/Little Cora consolidated placer claim, were purchased in December by three entities (Colorado Limited Liability Companies) - Silver Creek Land, LLC acquired the surface; Silver Creek Shallow Minerals LLC acquired the minerals from the surface down to the elevation of 7,000' above mean sea level; and Silver Creek Deep Minerals, LLC acquired the minerals below 7,000' above mean sea level. The deeds for the surface and the shallow minerals contain a provision granting EPA and CDPHE and their representative and agents full and unrestricted access to the property for any CERCLA response activities as provided in the Webster Consent Decree entered in the US District Court Civil Action. The deeds were recorded in Dolores County in late December. Copies of the three deeds are attached for your records.

As to the area around the St. Louis Tunnel, title to the Webster Estate interest in the Homestake/Little Cora claim remains with the Estate. In conjunction with closing of the purchase of the Silver Creek properties, Janice Graham, Personal Representative of the Webster Estate, executed three deeds dated

December 14, 2009 for conveying the H/LC interest to a party or parties to be determined depending on the outcome of negotiations between Outlook Resources, Inc., Atlantic Richfield Company, and North Rico, Inc. regarding the disposition of the property and development of geothermal resources. The deeds have been placed in escrow with Alpine Title LLC pending instructions from Outlook for designating the Grantee(s) and recording. The escrow agreement terminates November 15, 2014, and if the parties have not reached agreement by that date, the escrow agent designates the Grantees set forth in the escrow instructions. Until the escrow instructions are implemented, title to the H/LC claim is in the Webster Estate and subject to the Webster Consent Decree.

We understand that EPA will notify us when Agency representatives need access to the Silver Creek properties. Please advise if you need additional documents or information.

Regards,

Peter Keppler, P.C.

Attorney at Law

1800 Jackson Street, #212

Golden, CO 80401

Phone (303)273-5380 FAX(303)273-1535

In a message dated 5/10/2010 11:56:48 A.M. Mountain Daylight Time, Muller.Sheldon@epamail.epa.gov, writes:

Rich:

Thank you for getting back to me. I would like to get a copy of the sales documents, deeds, etc., at your earliest convenience. I also would like to know the nature of compliance with Paragraph 26 of the consent decree which provides as follows:

26. If Settling Defendant or her successors or assigns or the Heirs transfers to another person any ownership or other possessory interest in the property that is subject to the right of access set forth in Paragraph 25 of this Consent Decree, they shall include in the document transferring such interest a provision similar to that set forth in Paragraph 25 requiring the transferee to provide the access mandated by Paragraph 25. Copies of any document transferring any ownership or other possessory interest in the property that is subject to the right of access set forth in Paragraph 25 shall be provided to the United States and the State, within 10 days of the transfer, in accordance with the provisions of Section XV of this Consent Decree (Notices and Submissions).

Paragraph 25 provides as follows:

25. Commencing on the date of entry of this Consent Decree and at the request of EPA, Settling Defendant and the Heirs shall provide the United States, the State, and their representatives, including EPA and CDPHE and their officers, employees, agents, contractors, and other representatives, and any person that has entered into an agreement with EPA regarding the conduct of response activities at the Site or such other property located adjacent to or near the Site, with full and unrestricted access at all reasonable times to property at, adjacent to, or near the Site in which Settling Defendant or the Heirs have an ownership or other possessory interest, for the purpose of conducting any response activity authorized pursuant to CERCLA. Such access shall be deemed granted upon the transmittal by EPA of a request for access and shall not require any additional authorization by Settling Defendant or the Heirs.

The reason for my inquiry is that EPA will be needing access to the area around the St. Louis Tunnel in the near future.

If you have any questions, please let me know.

Thank you.

Sheldon Muller
Enforcement Attorney
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
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| From: |
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|"Rich A. Munson" <ramunson@earthlink.net>

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| To: |
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|Sheldon Muller/R8/USEPA/US@EPA

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| Cc: |
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|Peter Keppler <petekeppler@aol.com>

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| Date: |
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|05/10/2010 11:44 AM

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| Subject: |
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|Webster Estate - Rico Transaction with Outlook Resources
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| Sent by: |
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|Rich A Munson <rich@ramunson.com>
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Sheldon: Just a quick note. I am enroute back to Denver today from a trip to South America — unfortunately looking at mining properties not pleasure — and just picked up your message.

The Webster Estate did close the sales transaction to Outlook Resources (the company represented by Peter Keppler in Golden) late in December.

I expect all the deeds etc. are recorded but we did not handle the recording.

I can provide copies of documents on my return — otherwise I am sure Peter and Outlook can and will provide necessary information.

I am copying Peter with this email for ease of reference.

Regards, Rich

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Richard A. Munson

Attorney at Law
8081 Shaffer Parkway, Suite 4
Littleton CO 80127-3714
(303) 932-0384 Direct
(303) 904-4989 Fax
ramunson@earthlink.net

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Sent from my Hand Held[attachment "ML_RevPRDeedSilverCreekDeepMin.doc" deleted by Sheldon Muller/R8/USEPA/US] [attachment "ML_RevPRDeedSilverCreekShallowMin.doc" deleted by Sheldon Muller/R8/USEPA/US] [attachment "RevPRDeedSilverCreekSurface(Rev2).rtf" deleted by Sheldon Muller/R8/USEPA/US]